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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,381	03/24/2004	Hiroshi Yamaguchi	2091-0315PUS1	3317
2292 7590 02/26/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER SELBY, GEVELL V	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 02/26/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/807,381

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Gevell Selby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. The applicant submits the prior art does not disclose the following limitations of the claimed invention:

an image synthesizing means for generating synthesized image data sets, by synthesizing image data sets, which have been located by the image searching means, with predetermined template data sets from among the template data sets, which are stored in the template managing means, according to the photography location of the image data sets, in a predetermined layout, as stated in claim 1.

The Examiner respectfully disagrees.

Examiner's Response:

Re claim 1) The Weston reference discloses an image synthesizing means or the photo processing station (see figure 4, element 480) for generating synthesized image data sets, by synthesizing image data sets, which have been located by the image searching means (see column 9, lines 25-45: the station allows user to view, edit and print images captured according to their UPIN and UGIN), with predetermined template data sets from among template sets, which are stored in the template managing means (see column 8, lines 7-58: the pages of the serial picture books, comic books or storybooks, serve as the predetermined template data sets from among the template sets since each page of the book combines a plurality of photographs into a single image along with additional picture and text to tell a story), which are stored in the template managing means or computer of the processing station, wherein it is inherent images are matched with the proper position in the correct page or template of the Weston reference by

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matching the UGIN data for the location the image was captured with the correct position the in the template, in order for the pictures to properly fit into the story.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. MPEP 2106.01 The specification discloses the recordable medium as internet downloads, which is a signal or wave, on page 8, second paragraph. Therefore, the computer readable media is rejected under USC 101 as non-statutory.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Weston et al., US 6,608,563.

In regard to claim 1, Weston et al., US 6,608,563, discloses a system for providing synthesized images, comprising:

a plurality of cameras (see figure 4, element 410) for photographing subjects and obtaining image data sets, provided at predetermined locations (see column 7, lines 58-63);

a transmitting means for transmitting the image data sets, provided at each of the plurality of cameras (see column 9, lines 14-16);

an image managing means (see figure 4, element 475) for storing the image data sets, which have been transmitted by the transmitting means (see column 9, lines 16-19);

a subject specifying means (see figure 4, element 475), for specifying the subjects which are pictured in the image data sets (see column 9, lines 16-19);

a template managing means for storing template data sets (comic book or storybook templates), which are to be synthesized with the image data sets (see column 8, lines 8-28);

an image searching means (see figure 4, element 475) for searching among the image data sets, which are stored in the image managing means, for image data sets, in which the subjects specified by the subject specifying means are pictured (see column 9, lines 16-19);

an image synthesizing means (see figure 4, element 480) for generating synthesized image data sets, by synthesizing image data sets, which have been located by the image searching means (the station allows user to view, edit and print images captured according to their UPIN and UGIN), with predetermined template data sets from among the template data sets, which are stored in the template managing means (see column 8, lines 8-28: the pages of the serial picture books, comic books or storybooks, serve as the predetermined template data sets from among the template sets since each page of the book combines a plurality of photographs into a single image along with additional picture and text to tell a story), according to the photography location of the image data sets, in a predetermined layout (see column 9, lines 22-44: it is inherent images are matched with the proper position in the correct page or template of the Weston reference by matching the UGIN data for the location the image was captured with the correct position the in the template, in order for the pictures to properly fit into the story); and

an output means, for outputting the synthesized image data sets (see column 9, lines 25-27).

In regard to claim 2, Weston et al., US 6,608,563, discloses the system for providing synthesized images as defined in claim 1, wherein the subject specifying means comprises:

subject specifying data transmitting means (RFID tags) for transmitting prerecorded subject specifying data (see column 7, lines 42-52); and

subject specifying data receiving means (see figure 4, element 420) for receiving the subject specifying data, transmitted from the subject specifying data transmitting means (see column 7, lines 53-57);

wherein:

the subject specifying data transmitting means are distributed among subjects in advance (see column 7, lines 42-45); and

the subject specifying data receiving means receives the subject specifying data of a photographed subject from the subject specifying data transmitting means held by the photographed subject, corresponding to photography operations of the cameras (see column 7, lines 53-63).

In regard to claim 3, Weston et al., US 6,608,563, discloses the system for providing synthesized images as defined in claim 1, wherein the subject specifying means comprises:

media (RFID tags), in which subject specifying data are recorded (see column 7, lines 42-52); and

readout means (see figure 4, element 420) for reading out the subject specifying data from the media (see column 7, lines 53-57);

wherein:

the media are distributed among subjects in advance (see column 7, lines 42-45); and

the readout means reads out the subject specifying data of a photographed subject from the medium held by the photographed subject,

corresponding to photography operations of the cameras (see column 7, lines 53-63).

In regard to claims 4, 5, and 6, Weston et al., US 6,608,563, discloses the system for providing synthesized images as defined in claims 1, 2, and 3, respectively, further comprising:

an image selecting means for selecting image data sets from among the image data sets, which have been located by the image searching means, to be synthesized with the template data sets (see column 8, lines 13-28 and 52-56).

In regard to claims 7-12, Weston et al., US 6,608,563, discloses the system for providing synthesized images as defined in claims 1-6, respectively, wherein the image synthesizing means comprises:

a template selecting means for selecting template data sets from among the template data sets, which are stored in the template managing means, to be synthesized with the image data sets (see column 7, line 66 to column 8, line 6 and lines 13-23);

wherein, the selected template data sets are synthesized with the image data sets (see column 8, lines 56-58).

In regard to claims 13-18, Weston et al., US 6,608,563, discloses the system for providing synthesized images as defined in claims 7-12, respectfully, wherein:

the template selecting means increases the number of selectable template data sets, with which the image data sets are synthesized, according to the number of image data sets in which the same subject is pictured (see column 8, lines 13-

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19: the more image taken of the person identified with the tag, the more pages the system will provide for the storybook or comic book).

In regard to claims 19, Weston et al., US 6,608,563, discloses an image synthesizing apparatus comprising:

an image receiving means (see figure 4, element 420) for receiving input of image data sets (see column 7, lines 53-57); and

an image synthesizing means (see figure 4, element 480);

wherein the image synthesizing means generates synthesized image data sets, by synthesizing image data sets, which have been input, with predetermined template data sets according to the photography location of the image data sets, in a predetermined layout (see column 9, lines 22-44).

In regard to claims 20, Weston et al., US 6,608,563, discloses a computer readable medium having encoded thereon a program comprising instruction that when executed cause a computer to execute a method for synthesizing images, said method comprising the steps of:

receiving input of image data sets (see column 7, lines 53-57); and

generating synthesized images (see column 9, lines 25-27);

wherein synthesized images are generated, by synthesized image data sets, which have been input (the station allows user to view, edit and print images captured according to their UPIN and UGIN), with predetermined template data sets according to the photography location of the image data sets, in a predetermined layout (see column 9, lines 22-44: it is inherent images are matched with the proper position in the correct page

or template of the Weston reference by matching the UGIN data for the location the image was captured with the correct position the in the template, in order for the pictures to properly fit into the story).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs



LIN YE
SUPERVISORY PATENT EXAMINER